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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,706	12/20/1999	PAT CONDON	DC-01916(163	2712
27683	7590	06/27/2005	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 06/27/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/467,706

Applicant(s)

CONDON ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4,12-16 and 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,12-16 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on March 29, 2005. Applicant amended claims 1, 4, 12-16, 19 and canceled 2, 3, 5-11, 17, 18 and 20-22. Claims 1, 4, 12-16 and 19 are currently pending.

### ***Claim Rejections - 35 USC § 103***

Claims 1, 4, 12-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharnipragada (US 6,490,493) in view of Kroening, further in view of Knowles et al. (US 6,182,897).

Dharnipragada teaches a method comprising: manufacturer providing a manufacturer's interface (user computer 10), a manufacturer office unit and a manufacturer plant (see col. 3 lines 13-14); passing elements of the main order to a control unit, controlling manufacturing and supply lines containing plurality of hardware and software components (see col. 8 line 63 to col. 9 line 10); customer entering a special configuration details in the computer (see col. 5 line 1 to col. 6 line 19), passing the order to modification unit (col. 5, lines 50-67); checking the special configuration details for compatibility with a main order (col. 5, lines 5-25); passing the order to a modification unit and then to a validation unit (col. 5, lines 5-25); making configuration details available to a control unit (col. 9, lines 1-15); detecting modification flag and obtaining corresponding configuration details (col. 4, lines 10-30, col. 5, lines 30-50); checking configuration details with a database to determine implementation (col. 7, lines 1-63). Dharnipragada teaches logging modifications as they are made (built database see col. 6 lines 47-65).

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Kroening teaches manufacturing a computer system and entering appropriate data including details into the computer being manufactured (abstract, summary). It would have been obvious to one having ordinary skill in the art at the time of the invention to have adopted the system of Dharnipragada for manufacturing a computer as in Kroening since Dharnipragada is not limited as to the type of manufacture (col. 9, lines 40-60) and since Kroening would have benefited from the guidance, verification and ordering of Dharnipragada in simplification of specification of the computer and management of the built computers.

Knowles teaches providing a manufacturer web page for entering orders and passing the web page order to manufacturer unit or plant (see abstract, summary, col. 3 line 65 to col. 4 line 6, lines 36-50). It would have been obvious to one having ordinary skill in the art at the time of the invention to provide a web page for sending the order of Dharnipragada since a web page provides easy access to different page with the site, such as credit card transaction or tracking progress of the order via the web site maintained by the manufacturer.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 4, 12-16 and 19 have been considered but are moot in view of the new ground(s) of rejection. Examiner has provided prima face case of obviousness and examiner did not use hindsight. In response to applicant's argument that the examiner's conclusion of obviousness *should not be* based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not

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include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pulliam et al. (US 6,609,108) teaches method for ordering consumer production having specific configuration.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
RETTA YEHDEGA  
PRIMARY EXAMINER

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